IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 8462 of 2006(G)

PETITIONERS:

1. MANOHAR D.MULLASSERY,LECTURER, DEPT. OF CHEMISTRY,
   FATIMA MATA NATIONAL COLLEGE, KOLLAM,
   RESIDING AT OMANA NIVAS, MUNDAKKAL WEST,
   KOLLAM-691 001.

2. DR.BIJU MATHEW, LECTURER, DEPARTMENT OF CHEMISTRY,
   FATIMA MATA NATIONAL COLLEGE,
   KOLLAM, RESIDING AT PLAVILA PUTHEN BUNGLOW,
   THRIPPILAZHIKOM.P.O, KOLLAM.

3. DR.A.S.RUBIN JOSE, LECTURER, DEPARTMENT OF BOTANY,
   FATIMA MATA NATIONAL COLLEGE, KOLLAM,
   RESIDING AT VATTAVILA VEEDU, PALODE, PACHA.P.O,
   THIRUVANANTHAPURAM-695 562.

4. BOSCO LAWARENCE, LECTURER, DEPARTMENT OF BOTANY,
   FATIMA MATA NATIONAL COLLEGE, KOLLAM,
   RESIDING AT KATTUVILA CHARUVIL,
   PADAPPAKARA.P.O, KOLLAM-691 503.

5. SELVAMONY.K.B, LECTURER, DEPARTMENT OF MALAYALAM,
   FATIMA MATA NATIONAL COLLEGE,
   KOLLAM, RESIDING AT KUNNELKALAIL,
   KARALI JUNCTION, SASTHAMCOTTAH-690 543.

6. SHELLY.M.R, LECTURER, DEPARTMENT OF MALAYALAM,
   FATIMA MATA NATIONAL COLLEGE,
   KOLLAM, RESIDING AT SAHITHI SADANAM,
   MULAVANA, KUMBALAM.P.O, KOLLAM-691 503.

7. NOELINE.B.FERNANDEZ, LECTURER, DEPARTMENT OF CHEMISTRY,
   FATIMA MATA NATIONAL COLLEGE, KOLLAM,
   RESIDING AT FREDON, PATTATHANAM EAST,
   KOLLAM-691 021.

8. MARY NANCY.T.E, LECTURER, DEPARTMENT OF CHEMISTRY,
   FATIMA MATA NATIONAL COLLEGE, KOLLAM,
   RESIDING AT SANJOSE PANDAKASALAI,
   MATHILIL.P.O, KOLLAM-691 601.

9. DR.SALINI BHASKER, LECTURER, DEPARTMENT OF BOTANY,
FATIMA MATA NATIONAL COLLEGE, KOLLAM,
RESIDING AT SALINI BHAVAN,
KAVIYOOR.P.O, THIRUVALLA-689 582.

10. SEEMA JEROME, LECTURER, DEPARTMENT OF MALAYALAM,
FATIMA MATA NATIONAL COLLEGE, KOLLAM,
RESIDING AT KATTUVILA, VENGA.P.O,
SASTHAMCOTTAH.

11. MINI.V, LECTURER, DEPARTMENT OF CHEMISTRY,
FATIMA MATA NATIONAL COLLEGE, KOLLAM,
RESIDING AT KOPLAZHIKATHU VEEDU, PRAKKULAM,
KANJAVELY.P.O, KOLLAM-691 602.

12. MANAGER, FATIMA MATA NATIONAL COLLEGE, KOLLAM,

BY ADV. SRI.BABY ISSAC ILLICKAL
SRI.THOMAS JAMES MUNDACKAL

RESPONDENTS:

1. STATE OF KERALA,
REP. BY ITS CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. PRINCIPAL SECRETARY,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

4. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOLLAM.

5. UNIVERSITY OF KERALA,
REP. BY ITS REGISTRAR, THIRUVANANTHAPURAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC KERALA UTY.
GOVERNMENT PLEADER SRI.A.J.VARGHESE
SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of the judgment dated 8.10.2004 in W.P.(C) No.29523/04.

Ext.P2(a): Photocopy of the minutes of meeting for the selection of teachers in Malayalam Department.

Ext.P2(b): Photocopy of the minutes of meeting for the selection of teachers in Chemistry Department.

Ext.P2(c): Photocopy of the minutes of meeting for the selection of teachers in Chemistry Department.

Ext.P3(a): Photocopy of the appointment order of the 1st petitioner.

Ext.P3(b): Photocopy of the appointment order of the 2nd petitioner.

Ext.P3(c): Photocopy of the appointment order of the 3rd petitioner.

Ext.P3(d): Photocopy of the appointment order of the 4th petitioner.

Ext.P3(e): Photocopy of the appointment order of the 5th petitioner.

Ext.P3(f): Photocopy of the appointment order of the 6th petitioner.

Ext.P3(g): Photocopy of the appointment order of the 7th petitioner.

Ext.P3(h): Photocopy of the appointment order of the 8th petitioner.

Ext.P3(i): Photocopy of the appointment order of the 9th petitioner.

Ext.P3(j): Photocopy of the appointment order of the 10th petitioner.

Ext.P3(k): Photocopy of the appointment order of the 11th petitioner.

Ext.P4: Photocopy of the proposal forwarded by the Principal to the 5th respondent.

Ext.P5: Photocopy of the Post-Adalat Review Statement.

Ext.P6: Photocopy of the pro forma of the Direct Payment Agreement.

Ext.P7: Photocopy of the judgment dated 12.8.2005 in W.P.(C) No.482/05.

Ext.P8: Photocopy of the judgment dated 3.2.2006 in W.P.(C) No.22455/05.

RESPONDENT'S EXHIBITS:

Ext.R3(a): Lr.No.UGC(1)35999/02 dated 16.10.2003.

Ext.R3(b): Staff fixation statement.

// True copy //

P.A. to Judge

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A.K.BASHEER, J.

W.P.(C)No.8462 OF 2006

Dated this the 26th day of July, 2007

JUDGMENT

The grievance of the petitioners who have been working as Lecturers in various departments in Fatima Mata National College, Kollam for the last more than four years is that their appointments are not being approved by the University nor are they being paid salary. It is the case of the petitioners that they were appointed against existing sanctioned vacancies.

2. Anyhow, I do not propose to deal with the issue further, in view of the intervening development. It is brought to my notice that the University has approved the appointment of the petitioners. A copy of the order dated February 13, 2007 has been made available for perusal. Learned counsel submits that in view of the above development, the writ petition may be closed with a direction to respondents 1 and 4 to disburse the salary and allowances payable to the petitioners without any further delay.

3. Learned Government Pleader submits that payment of salary may be subject to verification and scrutiny of the work load, staff strength, etc. However, he further submits that the process will be completed with expedition.

4. In the above facts and circumstances, the writ petition is disposed of with a direction to respondents 1 and 4 to ensure that appropriate orders are issued for disbursement of salary and allowances payable to the petitioners as expeditiously as possible, at any, rate within two months from the date of receipt of a copy of this judgment. It will be open to the respondents 1 and 4 to take appropriate action in the meanwhile as contemplated under Section 57(1) of the Kerala University Act and also in terms of the directions contained in the judgment rendered by a Division Bench of this court in Writ appeal No.940/07 and other connected cases dated June 21, 2007. But anyhow the process shall be completed and payment made within the time stipulated above.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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